

**PATENT**

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

Applicant:	ZHANG ET AL.	)	
		)	Examiner D. Herrera
Appl. No.	10/814,831	)	
		)	Art Unit 3617
Confirm. No.	6501	)	
		)	Atty. Docket CS23995RL
Filed:	31 March 2004	)	
Title:	"Enhanced Voice Pre-Emption of Active Packet Data Services"		

**PRE-APPEAL BRIEF REVIEW REQUEST**

Assistant Commissioner for Patents  
Alexandria, Virginia 22313

Sir:

**Review Request & Claims Pending**

The claims stand finally rejected in final Office Action mailed on 25 September 2007. Pre-appeal brief review is respectfully requested. A notice of appeal has been filed concurrently. The claims were not amended after the final rejection was mailed. Claims 1-13 and 15-18 are currently pending.

**Rejection Summary**

Claims 1-18 stand rejected under 35 USC 103(a) as being unpatentable over U.S. Publication No. 2003/0232629 (Jang) in view of EP 1161036 (Kuusinen). The Examiner concedes that Jang does not disclose

suspending initiation of a dormancy timer and relies upon Kuusinen to meet this deficiency of Jang.

### **Summary of Kuusinen**

Kuusinen is concerned with preventing a peer terminal from transmitting packet to a Class B GPRS terminal operating in a circuit switched call while a packet call has been suspended. A Class B GPRS terminal operates in either a circuit switched or a packet switched call, but not both, at any particular time. The passages of Kuusinen referenced by the Examiner fail to support the asserted rejections. At paragraph [0001], Kussinen describes multimode circuit and packet switched terminals. At paragraphs [0002-3], Kuusinen describes packet switched transmissions and GPRS services. At paragraph [0006], Kussinen describes Class B GPRS terminals. At paragraph [0007], Kussinen describes GPRS network infrastructure architecture. At paragraph [0008], Kussinen describes the function of a network mobile switching center. At paragraph [0009], Kussinen describes a TCP/IP acknowledgement procedure. At paragraph [0012], Kussinen describes the TCP/IP transmission timer that is set when a terminal transmits a packet. In Kuusinen, the transmission timer is a duration during which the transmitting terminal waits to receive an acknowledgement from the receiving terminal before re-transmitting a packet.

### Arguments

Regarding Claim 1, Jang and Kuusinen fail to disclose a

... method in a wireless communications device, the method comprising:  
pre-empting an active packet session with an event;  
suspending operation of a dormancy timer initiated upon pre-emption of the active packet session;  
re-starting the suspended dormancy timer upon completion of either a service or application associated with the event pre-empting the active packet session.

The Examiner concedes that Jang does not disclose suspending operation of a dormancy timer upon pre-emption of the active packet session. Jang's failure to suspend the dormancy timer implies that Jang also fails to disclose re-starting the suspended dormancy time, since the timer must be suspended before being re-started.

Contrary to the Examiner assertion, Kuusinen fails to disclose or suggest suspending operation of a dormancy timer initiated upon pre-emption of the active packet session. In paragraph [0012], Kuusinen proposes increasing the duration of the re-transmission timer. The re-transmission timer of Kuusinen, however, is not the same as the claimed suspension timer. Moreover, Kuusinen fails to disclose or suggest "... re-starting the suspended dormancy timer upon completion of either a service or application associated with the event pre-empting the active packet session" as recited in Claim 1. Claim 1 is thus patentably distinguished over the art.

Regarding Claim 7, Jang and Kuusinen, fail to disclose a

... method in a wireless communications device, the method comprising:

- pre-empting an active packet session with an event;
- suspending initiation of a dormancy timer that would otherwise be initiated after pre-emption of the packet session;
- initiating the suspended dormancy timer upon completion of either a service or application associated with the event pre-empting the active packet session.

The Examiner concedes that Jang does not disclose suspending initiation of a dormancy timer that would otherwise be initiated after pre-emption of the packet session or re-starting the suspended dormancy timer upon completion of a service or application associated with the event pre-empting the active packet session.

Contrary to the Examiner assertion, Kuusinen fails to disclose or suggest suspending initiation of a dormancy timer that would otherwise be initiated after pre-emption of the packet session. As noted, in paragraph [0012], Kuusinen proposes increasing the duration of the re-transmission timer. The re-transmission timer of Kuusinen, however, is not the same as the claimed suspension timer. Moreover, Kuusinen fails to disclose or suggest "...initiating the suspended dormancy timer upon completion of either a service or application associated with the event pre-empting the active packet session" as recited in Claim 7. In paragraph [0015], Kuusinen discusses terminating a packet connection after a preset number of packet re-transmissions are unacknowledged. Claim 7 is thus patentably distinguished over the art.

Regarding Claim 13, Jang and Kuusinen, fail to disclose a

... method in a wireless communications device, the method comprising:

- receiving a network control message;

suspending an active packet session of the wireless communication device in response to receiving the network control message;

suspending a dormancy timer after receiving the network control message.

The Examiner concedes that Jang does not disclose suspending a dormancy timer. Contrary to the Examiner assertion, Kuusinen fails to disclose or suggest suspending a dormancy timer after receiving the network control message. In paragraph [0012], Kuusinen proposes increasing the duration of the re-transmission timer. The re-transmission timer of Kuusinen, however, is not the same as the claimed suspension timer. In paragraph [0015], Kuusinen discusses terminating a packet connection after a preset number of packet re-transmissions are unacknowledged. Claim 13 is thus patentably distinguished over the art.

### **Prayer For Relief**

In view of the discussion above, the Claims of the present application are in condition for allowance. Kindly withdraw the rejections and allow this application to issue as a United States Patent without further delay.

Respectfully submitted,

/ ROLAND K. BOWLER II /

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ROLAND K. BOWLER II 26 Nov. 2007  
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